

Message

From: McCullough, Barbara [McCullough.Barbara@epa.gov]
Sent: 3/7/2019 3:06:43 PM
To: brian.english@deq.idaho.gov
CC: Hedeem, Roberta [Hedeem.Roberta@epa.gov]; Castrilli, Laura [Castrilli.Laura@epa.gov]; Schanilec, Kevin [Schanilec.Kevin@epa.gov]; McArthur, Lisa [McArthur.Lisa@epa.gov]
Subject: RE: Questions and Conversations - USEI next steps

Good Morning Brian,

Thank you for the correction. You did provide this information to me in our conversation yesterday however my notes did not reflect it accurate. I'm sorry for that but glad you responded to all.

Do you have any questions about the EPA recap which provided some suggestions/comments?

Thank you,

Barbara

Barbara G. McCullough
RCRA Program, Materials and Pollution Prevention Unit
Office of Air and Waste
US EPA, Region 10
1200 Sixth Avenue, Ste. 155,
M/S: OAW-150
Seattle, WA 98101
(206) 553-2416 - phone
mccullough.barbara@epa.gov

From: Brian.English@deq.idaho.gov <Brian.English@deq.idaho.gov>
Sent: Wednesday, March 06, 2019 7:42 PM
To: McCullough, Barbara <McCullough.Barbara@epa.gov>
Cc: Hedeem, Roberta <Hedeem.Roberta@epa.gov>; Castrilli, Laura <Castrilli.Laura@epa.gov>; Schanilec, Kevin <Schanilec.Kevin@epa.gov>; McArthur, Lisa <McArthur.Lisa@epa.gov>
Subject: Re: Questions and Conversations - USEI next steps

3 is incorrect. The building was severely damaged but most of the structural steel still stands. Falling steel has been observed during wind events. There are waste containers in the skeletal remains. USEI has said the steel must come down. The anchor bolts set in the concrete were stressed to an unknown extent.

Sent from my iPhone

On Mar 6, 2019, at 2:51 PM, McCullough, Barbara <McCullough.Barbara@epa.gov> wrote:

Hi Brian,

Hope you Ex. 6 Personal Privacy (PP) Thanks for your call this morning and your questions for EPA. I convened a small group of folks – Kevin Schanilec, OCE;

Robbie Hedeem, Idaho Corrective Action and Permitting Coordinator, and Laura Castrilli, USEI's TSCA Project Manager - to discuss this issue and provide you some thoughts/potential action items.

Below is the background information that I provided them:

1. USEI Site B suffered a fatal explosion on 11/17/18.
2. USEI Site B has not returned to normal work except for the allowance of direct landfilling since the explosion due to the damage.
3. The containment building where the explosion took place has been leveled but the foundation is still there. The analysis of the building shows that the foundation of the building endured significant stress and it's highly unlikely that any Professional Engineer would certify the foundation as acceptable for reuse. This is not exactly how USEI sees things.
4. IDEQ is considering calling in the site's closure plan for the containment building and they would like EPA's advice on this path and/or options that may be a better fit.
5. Brian discussed this option with the Permit Writer's call yesterday (Robbie and Laura were both on this call). Brian said that most states agreed with IDEQ's proposed plan. A 7003 Order was also a suggested option.
6. Do we (R10) have any sample letters that may be helpful in IDEQ's drafting of the call in of the partial closure? Specific POC's to talk with on this action?

Below is a recap of our conversation outcomes:

1. ***40 CFR 264.1101(A)(2) clearly identifies the requirements for a containment building. Based on your and IDEQ's assessment of the building, it doesn't seem as if the facility could claim the requirements are or will be met if they were to rebuild on a foundation that has endured the significant stress caused by the explosion. This language could be your hook for calling in the closure plan.***
2. ***If the facility would chose to build on another portion of the containment area, that would require a modification to their current permit/activities. This mod would give you the opportunity to deny the modification based on your above noted findings.***
3. ***You could also require the facility to acquire an independent PE certification on the foundation. As you stated, from the current evaluation of the foundation, a PE would not risk their license to sign off on this foundation.***
4. ***It was also noted that although folks on the Permit Writer's call yesterday recommended using a 7003 Order (imminent and substantial endangerment) to require closure. Unfortunately, authority for the 7003 Order only stands with EPA. You may have a similar authority.***
5. ***As Laura and Robbie participated in the Permit Writer's call yesterday, they recommend that you reach out to a number of the states that spoke up about having issued a letter calling in the closure plan for a similar building or situation. They may be able to provide copies of letters/process steps. OCE noted that they were not aware of any sample letters we may have as a Call in requirement.***
6. ***Lastly, we recommend that you and Natalie brief your next steps and decisions up to the Director. We all know what's it's like to have your Director caught off-guard by comments, meetings, or emails. We have no doubt this briefing is a part of your plan but thought it important enough to specifically mention. Several of us have been in the backfire when briefing up didn't happen as quickly as needed.***

I have copied all those that participated on our call today. Please feel free to make updates to our discussion/messages as needed.

Thank you,

Barbara

Barbara G. McCullough
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Seattle, WA 98101
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mccullough.barbara@epa.gov